

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUANITA GARCIA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a Delaware
limited liability company,

Defendant.

NO. C15-1808 TSZ

**PLAINTIFF'S MOTION TO SEAL
PURSUANT TO LCR 5(g)**

NOTE ON MOTION CALENDAR:
Friday, February 10, 2017

Pursuant to Local Civil Rule 5(g), Plaintiff Juanita Garcia submits this motion to seal certain documents in connection with her concurrently filed Motion for Class Certification. Plaintiff will file under seal copies of materials designated as "Confidential" by Defendant Nationstar Mortgage LLC and copies of materials that reference or otherwise discuss such material. Defendant designated that information "Confidential" pursuant to the March 10, 2016 Stipulated Protective Order entered by this Court ("Protective Order") (dkt. 22). Plaintiff will additionally file with this Court under seal an unredacted version of her Motion for Class Certification, in addition to filing publicly—i.e., not under seal—a redacted Motion for Class Certification.

Plaintiff will file the following documents under seal pursuant to Local Civil Rule 5(g):

- Exhibits B, C, D, H, I, J, and L to the Declaration of J. Dominick Larry in Support of Plaintiff's Motion for Class Certification. These documents will be described in the Declaration of J. Dominick Larry in Support of Plaintiff's Motion to Seal, filed contemporaneously herewith. The documents were designed "Confidential" by Defendant.
- Plaintiff's unredacted Motion for Class Certification. This document will be described in the Declaration of J. Dominick Larry in Support of Plaintiff's Motion to Seal, filed contemporaneously herewith. Plaintiff's unredacted Motion for Class Certification will reference and discuss the contents of documents designed "Confidential" by Defendant.

Additionally, two documents that that Plaintiff is publicly filing in redacted form but which are not the subject of this motion to seal are as follows: Exhibits E and G to the Declaration of J. Dominick Larry in Support of Plaintiff's Motion for Class Certification. These documents are described in the Declaration of J. Dominick Larry in Support of Plaintiff's Motion to Seal, filed contemporaneously herewith. These documents contain sensitive personal and financial information about Plaintiff Juanita Garcia and her husband, which there is no need to file in unredacted form at this time.

In accordance with Local Civil Rule 5(g)(3)(A), Plaintiff certifies that she met and conferred with Defendant via telephone conference on December 23, 2016 to discuss whether the above-mentioned documents should be filed under seal. (*See* Declaration of J. Dominick Larry in Support of Plaintiff's Motion to Seal, submitted concurrently herewith, at ¶ 13.) J. Dominick Larry of Edelson PC for Plaintiff and the putative Classes and Eric W. Kemp of Severson & Werson for Defendant participated in the teleconference. (*Id.*) During the teleconference, both Parties noted that the Protective Order entered by the Court in this case provides for specific instructions where a party wishes to use documents marked "Confidential" to support a motion

(such as the Exhibits detailed herein), and that the local rules allow for redaction of sensitive, non-relevant information from documents filed with the Court. Pursuant to that instruction, the Parties agreed that filing the above-referenced documents under seal was appropriate at this time, with Defendant to file a responsive brief that provides the requisite showing required by Local Rule 5(g)(3). (*Id.* (citing dkt. 22.))

Good cause exists for allowing Plaintiff to file the above-referenced documents under seal. As set forth in the Declaration of J. Dominick Larry in Support of Plaintiff's Motion to seal, they will all contain information that has been designated "Confidential" by Defendant. These documents were produced or generated during discovery subject to the Protective Order, or otherwise reference information designated by Defendant as "Confidential" pursuant to the Protective Order.

The Protective Order acknowledges that certain confidential, proprietary, or private information may be disclosed during the course of discovery, and that the Parties shall follow the procedures set forth in Local Civil Rule 5(g) for filing documents under seal. Together, Local Civil Rule 5(g) and the Protective Order require (1) that Plaintiff file material designated or referencing "Confidential" information under seal, (2) that Plaintiff move to seal the material, and (3) that Defendant make the showing required under Rule 5(g)(3) to keep the information under seal.

Concurrent with this Motion, Plaintiff will file under seal the above-mentioned exhibits and an unredacted version of her Motion for Class Certification. Pursuant to Local Civil Rule 5(g)(3), Defendant must respond to this Motion with "a specific statement of the applicable legal standard for keeping [the] document[s] under seal."

Plaintiff respectfully requests that this Court enter an Order granting Plaintiff's Motion to Seal.

Dated: December 23, 2016

Respectfully submitted,

s/ Cliff Cantor

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Counsel for Plaintiff

Certificate of Service

I certify that, on the date stamped above, I caused this motion to be filed with the Clerk of the Court via the CM/ECF system, which will cause notification of filing to be emailed to counsel of record for all parties.

s/ Cliff Cantor, WSBA # 17893